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SYNOPSIS

OF THE

LAWS OF THE DOMINION OF CANADA

RESPECTING THE

SALE OF FOOD AND OTHER COMMODITIES

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ISSUED BY THE DEPARTMENT OF TRADE AND COMMERCE, OTTAWA

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LETTER OF TRANSMITTAL.

OTTAWA.

To the Right Honourable

The Minister of Trade and Commerce.

SIR,—I have the honour to forward herewith manuscript embodying a synopsis of the laws of the Dominion of Canada respecting the sale of food and other commodities, which I would suggest be circulated as widely as possible in order that the people of Canada may become familiar with the legal weight of the various articles referred to and the penalties provided by statute for infringement of the various laws in connection therewith.

I have the honour to be, sir,

Your obedient servant,

(Sgd.) F. C. T. O'HARA,

Deputy Minister.

THE DEPARTMENT OF TRADE AND COMMERCE.

In view of the continuous requests received by the Department of Trade and Commerce for information with regard to the legal weights and measures governing the sale of various foodstuffs and other commodities in Canada, the Department publishes herewith, for convenient reference, a synopsis of the Federal Statutes governing the sale of such of those foodstuffs in the Dominion as have been dealt with in legislation passed by the Parliament of Canada.

Weights and Measures.

In Canada the law provides, with respect to weights, that the unit shall be the standard pound (avoirdupois) of 7,000 grains, one-sixteenth part of the standard pound shall be an ounce (437½ grains), one hundred pounds a cental, and two thousand pounds a ton, and that four hundred and eighty grains shall be an ounce troy.

As regards measures—That the unit or standard measure of capacity, as well for liquids as for dry measures, shall be the gallon, containing ten standard pounds weight of distilled water, weighed with the water and air at a temperature of sixty-two degrees Fahrenheit, with the barometer at thirty inches, that the quart shall be one-fourth part of the gallon, and the pint one-eighth part of the gallon, and that eight gallons shall be a bushel.

This gallon, commonly known as the "Imperial gallon," contains 277·274 cubic inches.

The standard measure of length is the yard, one-third part of which it is provided shall be a foot, and the twelfth part of such foot shall be an inch.

Imperial Measure.

Special note should be made of the fact that certain standards of weights and measures used in some of the states of the United States are not legal (though frequently used), in Canada. These standards are not so large, being about 20 per cent smaller in capacity than the legal standards in Canada, *i.e.*, the Imperial pint, quart and gallon.

Statutes quoted.

At the end of this pamphlet will be found a reference to the various Federal Statutes quoted in the memorandum following which, with the reference referred to, has been prepared by Mr. John Byrnes, of this Department. This memorandum in no way is intended to have the force of law, but, as previously stated, it is merely a convenient reference to existing statutes.

F. C. T. O'HARA,
Deputy Minister.

OTTAWA, October 31, 1916.

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Law respecting the Sale of Food and other Commodities.

Commodity.	Existing Law Governing Sale.	Penalty for Violation Thereof.
	Flour, Meal, Rolled Oats, Etc. (Chap. 36, 1914, Amendment to Inspection and Sale Act.)	
Flour, meal, rolled oats, rolled wheat and feed	Every barrel, half barrel, bag, sack or package must have marked thereon the name of the packer and the brand and the weight of the contents, and in the case of feed, the composition thereof.	Every barrel or half barrel not properly marked shall be liable to a penalty of 10c. Vide sections 172 and 173 of chap. 85 as amended by chap. 36, 1914. Every bag, sack or package not properly marked shall be liable to a penalty of $1. Vide sec. 15, chap. 36, statutes of 1914.

	Net Weight in Dominion Standard pounds.	
	Barrel.	Half-brl.
Flour	196	98
Meal	196	98
Rolled oats	180	90
Rolled wheat	100	50

Vegetables and Other Articles.	Existing Law Governing Sale.	Penalty for Violation Thereof.
	Vegetable and other Articles. (Chap. 36, 1914, Amendment to Inspection and Sale Act.)	
	Unless a bushel by measure is specially agreed upon, it must weigh the number of pounds set opposite each article.	Every person who violates the provision that a bushel of any article shall be determined by weighing and specifying the number of pounds such bushel shall contain, shall be liable on summary conviction, to a penalty not exceeding $25 for a first offence, and not exceeding $50 for each subsequent offence. Vide sec. 357, chap. 85, R.S.C.

Bushels.	Weight in Dominion Standard pounds.
Artichokes	56 lbs.
Beans	60 "
Beets	50 "
Bituminous coal	70 "
Blue grass seed	14 "
Carrots	50 "
Castor beans	40 "
Clover seed	60 "
Hemp seed	44 "
Lime	70 "
Malt	36 "
Onions	50 "
Parsnips	45 "
Potatoes	60 "
Timothy seed	48 "
Turnips	50 "

LAW respecting the Sale of Food and other Commodities.—*Continued.*

Commodity.		Existing Law Governing Sale.	Penalty for Violation Thereof.
Bags.	Weight in Dominion Standard pounds.	A bag of any of the articles mentioned, must weigh the number of pounds set opposite the name of such article.	Every person who sells or offers for sale any bag of the vegetables mentioned that does not contain the number of pounds called for shall be liable, to a fine of $25 for a first offence, and $50 for each subsequent offence. Vide sec. 19, chap. 36.
Artichokes	84 lbs.		
Beets	75 "		
Carrots	75 "		
Onions	75 "		
Parsnips	65 "		
Potatoes	90 "		
Turnips	75 "		
Potatoes in barrels, 165 lbs		A barrel of potatoes shall mean, unless a barrel of specified size, kind or content by measure is agreed upon, 165 Dominion standard pounds of potatoes.	No specific penalty is provided.
		EGGS. (Chap. 85 Inspection and Sale Act.)	
Eggs		When eggs are described as sold by the standard dozen, the dozen shall mean one pound and a half.	No specific penalty is provided.
		SALT. (Chap. 85 Inspection and Sale Act.)	
Salt		Every barrel of salt packed in bulk, sold or offered for sale, shall contain two hundred and eighty pounds of salt, and every barrel or sack of salt sold or offered for sale, shall have the correct gross weight thereof, and in the case of a barrel the net weight also, marked upon it in a plain and permanent manner. When bags of salt are packed in barrels, the number of bags contained in the barrel and the weight of the aggregate amount of salt shall be marked, stamped or branded on one head of the barrel. The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked, stamped or branded on every barrel or sack of salt sold or offered for sale in Canada.	Every person who neglects to comply with any of these provisions relating to salt, and every person who sells or offers for sale any salt in contravention of any of such provisions, shall be liable, on summary conviction, to a penalty of not less than ten dollars for each offence; but no deficiency in the weight of the salt contained in any package shall be deemed a contravention of such provisions unless such deficiency exceeds five per centum. No penalty shall be recoverable under this section unless proceedings for the recovery thereof are instituted within twenty days after delivery of the package of salt with respect to which it is claimed that a contravention of such provisions has been committed.

ERRATA.

The following is to replace the wording on page 11 under the head of "Existing Law Governing Sale" for Cheese.

Sections 7 and 8 of the said Act, provides that no adulteration shall take place during the process of manufacture of cheese or at any time thereafter. Any cheese manufactured from or by the use of skimmed milk must, according to the Regulations, have branded upon the side of every cheese and upon the outside of every package that contains cheese the words "Skim-milk Cheese."

ADDENDA.

Commodity.	Existing Law Governing Sale.	Penalty for Violation thereof.
	HONEY.	
	Sec. 5, Chap. 19, 1914.	*Sec. 3, Chap. 9, 1915.*
Honey...	The word "honey" shall not be used either alone or in combination with any other words on the label or other mark or device on any package containing any article of food which is or resembles honey and which is not pure honey made by bees, and no package containing any article of food which is not pure honey shall be labelled or marked in such a manner as is likely to make persons believe it is pure honey, and any article of food so labelled or marked shall be deemed to be adulterated.	Every person who knowingly attaches to any article of food or any drug any label which falsely describes the article sold, or offered or exposed for sale, or who neglects or refuses to label or mark any article of food or drug in accordance with the requirements of this Act shall incur a penalty for the first offence not exceeding two hundred dollars and not less than twenty-five dollars or two months in jail or both, and for each subsequent offence a penalty not exceeding three hundred dollars and not less than fifty dollars or four months in jail or both.
	MAPLE SUGAR OR MAPLE SYRUP.	
	Sec. 1, Chap. 9, 1915.	*Sec. 2, Chap. 9, 1915.*
Maple Sugar or Maple Syrup.	No person shall manufacture for sale, keep for sale, offer for sale, or sell any article of food resembling or being an imitation of Maple Sugar or Maple Syrup, or which is composed partly of Maple Sugar or Maple Syrup and which is not pure Maple Sugar or pure Maple Syrup. The word "Maple" shall not be used, either alone or in combination with any word or words, or letter or letters, on the label or other mark or device on a package containing any article of food or on any article of food itself, which is not pure Maple Sugar or pure Maple Syrup and any article of food so labelled or marked shall be deemed to be adulterated. Maple Syrup must be made from Maple Sap and must not contain more than 35 per cent of water and an imperial gallon shall weigh not less than thirteen pounds three ounces. Maple Sugar shall be entirely the solid product resulting from the evaporation of Maple Sap or of Maple Syrup and contain not more than ten (10) per cent of water, etc.	Every person who wilfully adulterates any article of food or any drug, or orders any person to do so, shall if such be deemed injurious to health incur a penalty from $50 to $500 or 6 months' imprisonment for a first offence and if such be not injurious to health incur a penalty not exceeding $200 and costs or 3 months' imprisonment or both and not less than $25. *Sec. 4, Chap. 9, 1915.* Under such regulations as may be made by the Minister, an amount not exceeding one-half of the penalties imposed and recovered under this Act may be paid to any person who has given information or otherwise aided in effecting the recovery of the penalty, and the other portion of the penalty shall be paid to the Minister of Finance and shall form part of the Consolidated Revenue Fund of Canada. NOTE.—The three foregoing sections apply with equal force to Honey and Maple Sugar or Maple Syrup.

Honey, Maple Sugar and Maple Syrup are governed by the provisions of "The Adulteration of Food Act," as amended by *Sec. 5, Chap. 19, 1914,* and *Sec. 1, Chap. 9, 1915.*

Copies of these Acts can be obtained on application therefor to the Department of Inland Revenue, Ottawa, Ont.

	Butter. (Chap. 7, 1914, Dairy Industry Act.)	
Butter	The manufacture and import of oleomargarine or other like substitutes for butter is entirely prohibited, nor must any person incorporate any ingredients in butter not provided by the Act and Regulations based thereon. The character and weight of butter is described in sec. 6 of the above Act. Butter must not contain over sixteen per cent of water. The full net weights are provided for ¼ lb., ½ lb., 1 lb. and 2 lbs. when moulded or cut.	A fine of from $10 to $50 is provided, and in default thereof, imprisonment for a term not exceeding 6 months.
	Cheese. (Chap. 7, 1914, Dairy Industry Act.)	
Cheese	Sections 7 and 8 of the said Act, provides that no cheese shall be made from skimmed milk and no adulteration shall take place during the process of making.	The Act provides for a fine of from $200 to $400 on summary conviction, and in default of payment, imprisonment for a term not exceeding 6 months.
	Meat and Canned Foods. (Chap. 27, 1907, Meat and Canned Foods Act.)	
Meat and canned foods	These articles are governed by the Act just above quoted which applies only to such when intended for export out of Canada or from one province of Canada to another. The following definition explains what the various terms cover. Unless the context otherwise requires,— (*a*) 'carcases' means the carcases of cattle, sheep, swine, goats, game or poultry; (*b*) 'establishment' means any abattoir, packing house, or other premises in which such animals are slaughtered, or in which any parts thereof or products thereof, or fish, or fruit, or vegetables, are prepared for food for export or are stored for export; (*c*) 'export' means export out of Canada, or out of any province to any other province thereof; (*d*) 'food' includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose. When an establishment is operated as an export house everything packed, handled or produced in same is subject to inspection whether for local consumption in the province where situate or for export therefrom.	Penalties up to $500 have been enacted to cover various provisions of the Act.

Commodity.	Existing Law Governing Sale.	Penalty for Violation Thereof.
	APPLES. (Chap. 85, Inspection and Sale Act and Amendments.)	
Apples	Barrels used for packing apples must be 26½ inches between the heads inside measure, 17 inches in diameter at head and have a middle diameter of 18½ inches, containing as nearly as possible 96 quarts. Boxes used for packing apples must be not less than 10 inches deep, 11 inches in width and 20 inches long, representing as nearly as possible 2,200 cubic inches. Every such package (barrel or box), must be marked with the name of the person or corporation doing the packing, the name of the variety and the grade, viz.:—Fancy, No. 1, No. 2, No. 3.	For improper marking fines from $10 to $200. Faulty dimensions of barrels and boxes, 25c. each, with costs of prosecution.
	BERRIES, ETC. (Chap. 85 Inspection and Sale Act and Amendments.)	
Fruit (*b*) 'fruit' shall not include wild fruit, nor cranberries, whether wild or cultivated. (*c*) 'culls' shall include fruit that is either very small for the variety, or immature, or the skin of which is broken so as to expose the tissue beneath, or that is so injured by insects, fungi, abnormal growths, or other causes, as to render it unmerchantable.	Every box of berries or currants offered for sale and every berry box manufactured and offered for sale, in Canada, shall be plainly marked on the side of the box, in black letters at least half an inch square, with the word 'Short', unless it contains when level-full as nearly exactly as practicable,— (*a*) at least four-fifths of a quart;[12] or, (*b*) two-fifths of a quart. 2. Every basket of fruit offered for sale in Canada, unless stamped on the side plainly in black letters at least three-quarters of an inch deep and wide, with the word 'Quart' in full, preceded with the minimum number of quarts, omitting fractions, which the basket will hold when level-full, shall contain, when level-full, one or other of the following quantities:— (*a*) Fifteen quarts or more. (*b*) Eleven quarts, and be five and three-fourths inches deep perpendicularly, eighteen and three-fourths inches in length, and eight inches in	Every person who violates any of these provisions shall be liable, on summary conviction, to a penalty of twenty-five cents for each barrel of apples, or box of apples, pears, quinces, berries, or currants, or basket of fruit, or berry box, respecting which such violation is committed, together with the costs of prosecution; and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and costs, and the costs of enforcing them, are sooner paid.

	width at the top of the basket, sixteen and three-fourths inches in length, and six and seven-eighths inches in width at the bottom of the basket, as nearly exactly as practicable, all measurements to be inside of the veneer proper and not to include the top band. (c) Six quarts, and be four and one-half inches deep perpendicularly, fifteen and three-eighths inches in length and seven inches in width at the top of the basket, thirteen and one-half inches in length, and five and seven-eighths inches in width at the bottom of the basket, as nearly exactly as practicable, all measurements to be inside of the veneer proper and not to include the top band: Provided that the Governor in Council may, by proclamation, exempt any province from the operation of this section. (d) Two and two-fifths quarts, as nearly exactly as practicable. The practice now in the Fruit Commissioners Branch is to have the Inspection performed at the initial points where the fruit is packed, thereby providing for the protection of the consumer in Canada, as well as the consumer abroad. Formerly this was done at the points of exit out of the country when fruit was inspected for export only. Imported Fruit, the kind of which may be prescribed by regulation made by the Governor in Council must be branded or marked according to such regulation and any packages not so marked may be destroyed, and a fine of not more than $50 imposed.	
	HAY AND STRAW. (Chap. 85 Inspection and Sale Act.)	
Hay and Straw	The grades of hay shall be as follows:— Prime timothy shall be pure timothy, perfect in colour, sound and well cured; No. 1 timothy shall be timothy with not more than one-eighth of clover or other tame grasses mixed, of good colour, sound and well cured; No. 2 timothy shall be timothy with not more than one-third of clover or other tame grasses mixed, of good colour, sound and well cured; No. 3 timothy shall consist of at least fifty per cent of timothy and the balance of clover or other tame grasses mixed, of fair colour, sound and well cured:	No specific penalty is provided.

[12]This will reduce to 55½ cubic inches.

REFERENCE TO FEDERAL STATUTES QUOTED IN THIS PAMPHLET.

Flour, meal, rolled oats, rolled wheat and feed are governed by the provisions of the Inspection and Sale Act, Chap. 85, R.S.C. 1906, Part III, as amended by Chap. 36 of the Statutes of 1914.

The Standard Weights for Vegetables and the other commodities mentioned therewith are governed by Chap. 36 of the Statutes of 1914, amending the Inspection and Sale Act, as well as section 357 of the said Act.

Fish oils are governed by the provisions of Part VII of the Inspection and Sale Act that relate thereto.

Eggs are provided for by Section 339, Part X, of the Inspection and Sale Act.

Salt is provided for by Sections 343, 344, 345 and 355, Part X, of the Inspection and Sale Act.

Hay and straw are governed by the provisions of Sections 340, 341 and 342 of the Inspection and Sale Act.

The Department of Trade and Commerce is charged with the administration of the Act respecting the foregoing commodities.

Picked fish was formerly dealt with by Part VII of the Inspection and Sale Act (Chap. 85, R.S.C., 1906), but is now subject to the provisions of Chap. 45, 4-5 George V (Statutes of 1914). This Act is administered by the Naval Service Department.

Meat and canned foods is governed by the provisions of the Act of that name, which is known as Chap. 27 of the Statutes of 1907.

Butter and cheese was formerly dealt with by Part VIII of the Inspection and Sale Act (Chap. 85, R.S.C., 1906), but it is now subject to the provisions of Chap. 7 of the Statutes of 1914, known as "The Dairy Industry Act."

Apples and other fruit are governed by the provisions of Part IX of the Inspection and Sale Act, Sections 319 to 336, Chap. 85, R.S.C., 1906, as amended by Chap. 21 of the Statutes of 1907, Chap. 35 of 1908, and Chap. 25 of 1913.

The Department of Agriculture is charged with the administration of the law respecting the foregoing commodities.

Copies of the various Acts and the Regulations based thereon can be had on application to the following:—

Flour, meal, rolled oats, rolled wheat and feed, vegetables, fish oils, eggs, salt, hay and straw	Department of Trade and Commerce, Ottawa.
Inspection and branding of pickled fish	The Superintendent of Fisheries, Naval Service Department, Ottawa.
Meat and canned foods	The Chief of Meat and Canned Foods Branch, Department of Agriculture, Ottawa.
Butter and cheese	The Dairy and Cold Storage Commissioner, Department of Agriculture, Ottawa.
Apples and fruit	The Fruit Commissioner, Department of Agriculture, Ottawa.